



NOV 27 2007

United States Attorney  
Southern District of New York

86 Chambers Street, 3<sup>rd</sup> Floor  
New York, New York 10007

November 26, 2007

**BY HAND DELIVERY**

The Honorable Douglas F. Eaton  
United States Magistrate Judge  
Daniel Patrick Moynihan United States Courthouse  
500 Pearl St., Room 1360  
New York, NY 10007

Re: Johnson v. Killian, et al. 07-CIV-6641 (LTS)(DFE)

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Dear Judge Eaton:

This Office represents the defendants, the Warden and the Chaplain of the Federal Correctional Institution in Otisville, New York, in the above-referenced civil action. As the Court is aware, in light of plaintiff's transfer to a different Bureau of Prisons facility, the parties have been endeavoring, with the assistance of Your Honor's chambers, to determine whether this matter can be resolved consensually.

Assuming arguendo that the defendants have properly been served, their response to the Complaint in this action would be due on November 26, 2007. I respectfully request that the defendants' time to respond be extended by 45 days to January 15, 2008 — so as to permit the parties to continue their efforts to seek a consensual resolution of this litigation. This is the Government's first request for an extension. As no scheduling order has been entered in this action, granting this request for an extension will not have an effect on other dates. Because plaintiff is an inmate and is proceeding *pro se*, the Government has not sought his consent for this extension.

We thank the Court for its consideration of this request.

11/27/07 - I grant  
this request.

Douglas F. Eaton

Respectfully,

MICHAEL J. GARCIA  
United States Attorney

By: Lynn

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**MEMO ENDORSE**

cc: Mr. Neil Johnson (By First-Class Mail)  
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Copies Mailed to Counsel of Record 11/27/07